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09/541,718	04/03/2000	Borre Bengt Ulrichsen	P-340.3 Burrows	4824

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EXAMINER

NGUYEN, TUAN N

ART UNIT

PAPER NUMBER

3653

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 15

**MAILED**

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**GROUP 3600**

Application Number: 09/541,718

Filing Date: April 03, 2000

Appellant(s): Ulrichsen et al.

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Ulrichsen et al.

For Appellant

Art Unit: 3653

**EXAMINER'S ANSWER**

1. This is in response to the appeal brief filed on January 06, 2003.
2. A statement identifying the real party in interest is contained in the brief.
3. The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.
4. The statement of the status of the claims contained in the brief is correct.
5. The appellant's statement of the status of amendments after final rejection contained in the brief is correct.
6. The summary of invention contained in the brief is correct.
7. The appellant's statement of the issues in the brief is correct.
8. Appellant's brief includes a statement that claims 144, 145, 168-171 and 174 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

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9. The copy of the appealed claims contained in the Appendix to the brief is correct.
10. The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

484,221

European Patent Office

05-1992

11. Claims 144, 145, 168-171 and 174 are rejected under 35 U.S.C. 102(b). This rejection is set forth in prior Office Action, Paper No. 8 mailed on June 11, 2002.

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**(12) - Response to Argument**

Responding to appellants' argument, appellants have alleged that EPO'221 does not disclose scanning of a transverse section of a stream of matter at a detection station. However, the Examiner respectfully disagrees. As shown in Figs. 1 and 2, and discussed on column 7, line 48 to column 8, line 28 (note radiation zone 22 containing detector array 20), EPO'221 does, indeed, disclose scanning of a transverse section of a stream of matter at a detection station. Appellants also have alleged that EPO'221 does not perform for each detection zone in respect of a plurality of the wavelengths simultaneously. Again, the Examiner disagrees. As broadly claimed, EPO'221 inherently does perform such function because if the wavelengths are not simultaneously, there would be gaps in between the wavelengths which is not desired. Re claim 145, the wavelength bands depend upon the physical and chemical properties of the items to be treated (column 7, lines 14-22). Re claim 174, EPO'221 is able to detect metallic materials as well as other non-metallic materials (column 1, lines 36-46); EPO'221 further discloses a receiving means 20 comprising a multiplicity of electromagnetic field sensing devices. Re claim 168, as broadly claimed, the receiving means can be considered an antenna. Re claim 169, an advancing means is a conveyor 17 or 18. Re claim 170, an emitting means 11 inherently has an oscillator. Re claim 171, the detection zone 22 comprises two-dimensional simulation (transversely and longitudinally) as shown in Fig. 2.

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13. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



TUANN NGUYEN  
PATENT ATTORNEY

3/24/03

March 24, 2003.